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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

TENBRINK WINERY, LLC

Plaintiff,

v.

LA PELLE WINES, LLC

Defendant.

Case No.: 3:22-CV-00857

**COMPLAINT FOR  
(1) FEDERAL TRADEMARK  
INFRINGEMENT,  
(2) FEDERAL UNFAIR COMPETITION,  
FALSE REPRESENTATION, AND  
FALSE DESIGNATION OF ORIGIN,  
AND (3) CALIFORNIA TRADEMARK  
INFRINGEMENT, AND  
(4) CALIFORNIA UNFAIR  
COMPETITION  
(5) CALIFORNIA FALSE ADVERTISING**

**JURY TRIAL DEMANDED**

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1 Plaintiff Tenbrink Winery LLC, d/b/a Tenbrink Winery (“Tenbrink Winery” or “Plaintiff”)  
2 alleges as follows:

3 **NATURE OF THE ACTION**

4 1. This is an action for infringement of Plaintiff Tenbrink Winery, LLC’s federally-  
5 registered trademark under Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1), for unfair  
6 competition and false designation of origin under Section 43(a) of the Lanham Act, 15 U.S.C. §  
7 1125(a), and for substantial and related claims of trademark infringement, unfair competition, and  
8 deceptive and unfair trade practices under the statutory and common laws of the State of California,  
9 all arising from the Defendant La Pelle Wines, LLC’s (Defendant’s”) unauthorized use of the Shovel  
10 mark, serial number 3730949, in connection with the manufacture, distribution, marketing,  
11 advertising, promotion, offering for sale, and/or sale of Defendant’s California wines.

12 2. Tenbrink seeks injunctive and monetary relief.

13 **JURISDICTION AND VENUE**

14 3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C § 1331  
15 and 1338(a) and 15 U.S.C § 1121. Further, this Court possesses federal question over this action  
16 insofar as the matter arises under the Lanham Act. Additionally this Court has supplemental  
17 jurisdiction over Tenbrink’s state law claims under 28 U.S.C. § 1367(a) insofar as these claims are  
18 so related to the federal claims in the action that they form part of the same case or controversy.

19 4. This Court has personal jurisdiction over Defendant. Defendant resides in the forum,  
20 operates a website accessible within the United States <https://www.lapellewines.com/> and Defendant  
21 conducts business within the U.S. market, specifically within the Northern District of California.

22 5. Venue is properly placed in this district pursuant to 28 U.S.C. § 1391(b)(2), as a  
23 substantial part of the events or omissions giving raise to the claim occurred in this District.

24 **DIVISIONAL ASSIGNMENT**

25 6. Pursuant to Civil L.R. 3-2(c), venue is properly placed in the San Francisco or Oakland  
26 Divisions, as the parties reside in Napa County, and all relevant activity took place therein.

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1 **PARTIES**

2 7. Plaintiff Tenbrink Winery is a California limited liability company with its principal  
3 place of business at 4185 Charborne Road, Fairfield, California 94534. Tenbrink is the owner of U.S.  
4 Trademark Registrations for the mark and design SHOVEL DESIGN.

5 8. Defendant La Pelle Wines is a California company with its principal place of business  
6 at 905 Jefferson St., Napa, California 94559.

7 **FACTS**

8 **A. Plaintiff and Its Mark.**

9 9. Tenbrink is a vintner who grows, produces, bottles, and sells high quality California  
10 wines throughout the United States.

11 10. Tenbrink is the owner of valid and subsisting United States Trademark Registration  
12 No. 3730949 on the Principal Register in the United States Patent and Trademark Office for a  
13 SHOVEL DESIGN Mark (“SHOVEL”) for the labeling of wine, which has become incontestable  
14 within the meaning of Section 15 of the Lanham Act, 15 U.S.C. § 1065. Attached as **Exhibit 1** is a  
15 true and correct copy of the registration certificate and maintenance records for Tenbrink’s United  
16 States Trademark Registration No. 3730949, which was issued by the United States Patent and  
17 Trademark Office on October 13, 2009.

18 11. Tenbrink has used the SHOVEL Mark in commerce throughout the United States  
19 continuously since February 20, 2008, in connection with the manufacture, distribution, offering for  
20 sale, sale, marketing, advertising and promotion of wine. Attached hereto as **Exhibit 2** are  
21 photographs and representative samples of promotional materials showing Tenbrink’s use of the  
22 SHOVEL Mark in connection with these goods and services.

23 12. As a result of its widespread, continuous, and exclusive use of the SHOVEL Mark to  
24 identify its wines and Tenbrink as their source, Tenbrink owns valid and subsisting federal statutory  
25 and common law rights to the SHOVEL Mark.

26 13. Tenbrink’s SHOVEL Mark is distinctive to both the consuming public and Tenbrink’s  
27 trade. Attached hereto as **Exhibit 3** are copies of news articles, reviews and third party blog posts  
28

1 about Tenbrink and its wines showing images of the shovel mark and mentioning the importance of  
2 the SHOVEL mark to Tenbrink.

3 14. Tenbrink has expended substantial time, money, and resources marketing, advertising,  
4 and promoting its wine sold under the SHOVEL Mark including through Tenbrink's website and  
5 material that aims to enhance the brand's awareness to the public such as shovel logo uniforms.

6 15. Tenbrink distributes and sells its wines under the SHOVEL Mark through online sales,  
7 through social media, and directly to restaurants throughout the United States.

8 16. The wines Tenbrink offers under the SHOVEL Mark are of high quality, being grown  
9 in the unique terroir renowned Suisun Valley, just east of the Napa Valley of California. Grown on a  
10 10,000 acres, Tenbrink grows its wine grapes in all three distinct local microclimates in the lower,  
11 mid, and upper valley of the Suisun Valley.

12 17. As a result of its efforts, Tenbrink has developed valuable trademark rights including  
13 common-law rights in its SHOVEL Mark, extending nationwide.

14 18. Tenbrink's SHOVEL Mark, as applied to wine, is a strong, fanciful designation,  
15 entitled to a broad scope of protection, especially considering the extent of advertisement and years  
16 of customer service in the industry by Tenbrink under this mark.

17 19. As a result of Tenbrink's long, extensive, exclusive, and continuous use of its  
18 SHOVEL Mark in connection with its business, the enormous public exposure due to it through  
19 promotion and excellent customer service the SHOVEL Mark has acquired secondary meaning and  
20 has become extremely well and favorably known as a designator of origin for Tenbrink's products.  
21 The SHOVEL Mark serves to identify the source of Tenbrink's products.

22 20. Because of the likely confusion as to the source of Defendant's services by  
23 Defendant's use of a shovel design on its wine bottles as a label, Tenbrink's goodwill in its SHOVEL  
24 Mark and design has been and will be damaged.

25 21. Defendant's continuing infringing activity demonstrates a willful and bad faith intent  
26 to create confusion, deception, and mistake in the minds of both Tenbrink's consumers and potential  
27 consumers and in the minds of Defendant's consumers and potential consumers.

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**B. Defendant's Unlawful Acts.**

22. Without Tenbrink's authorization, and upon information and belief, beginning after Tenbrink acquired protectable exclusive rights in its SHOVEL Mark, Defendant adopted and began using a mark (the "Infringing Mark") confusingly similar to Tenbrink's SHOVEL Mark in US commerce.

23. Defendant has been and continues to be engaged in the manufacture, distribution, provision, advertising, promotion, offering for sale, and sale of wine using the Infringing Mark throughout the United States. Defendant sells and promotes its products online and through social media using a shovel logo to identify itself. Its labels are made in the shape of a shovel. Defendant defines "la pelle" as "the shovel" on its "about us" page and advertises, "From the shovel's first plunge into the vineyard soil, to its last scrape of the fermentation tank, La Pelle wines are equally crafted in the vineyard and in the cellar and are a true collaboration between farmer and winemaker." Attached as **Exhibit 4** are true and correct copies of La Pelle's webpage showing Defendant's use of the Infringing Mark. Defendant is situated in the southeastern corner of the Napa Valley, only 18.3 miles by road from Tenbrink winery. Tenbrink and Defendant are so close to each other that each sits less than 15 minutes from Napa County Airport.

24. Defendant La Pelle Wines was founded in 2016.

25. Defendant claims that it's "mission [is] to create terroir-driven wines that are the ultimate expression of the sites from which the fruit is sourced."

26. Upon information and belief, Defendant intends to promote its products using its wine bottle labeling and trade dress with a shovel in the United States.

27. Tenbrink, in writing, has explained to Defendant the nature of its complaint and demanded it cease its unauthorized use of its shovel label, but Defendant continue to persist in such infringing and violative activities. Attached and made a part hereof as **Exhibit 5** is a copy of the cease and desist letter Tenbrink's counsel sent to Defendant's counsel on May 18th, 2021.

28. To date, Tenbrink has received no response to its cease and desist letter and, after reasonable inquiry, has no evidence that Defendant has responded to or complied with the demands set out in Tenbrink's counsel's cease and desist letter.

29. Defendant's infringing acts as alleged herein have resulted in actual confusion. Tenbrink's SHOVEL Mark is substantially similar to the Infringing Mark used by the Defendant, evidenced by Tenbrink's customers, who identify the shovel with a secondary meaning, in that they expressly request wine by requesting "give me the shovel wine" and/or similar phrases.

30. Upon information and belief, Defendant's acts are willful with the deliberate intent to trade on the goodwill of Tenbrink's SHOVEL Mark, cause confusion and deception in the marketplace, and divert potential sales of Tenbrink's wines to the Defendant.

31. Defendant's acts are causing, and unless restrained, will continue to cause damage and immediate irreparable harm to Tenbrink and to its valuable reputation and goodwill with the consuming public.

### **FIRST CAUSE OF ACTION**

#### **FEDERAL TRADEMARK INFRINGEMENT**

32. Tenbrink re-alleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 31, as though fully set forth herein.

33. Defendant's unauthorized use in commerce of the Infringing Mark as alleged herein is likely to deceive consumers as to the origin, source, sponsorship, or affiliation of Defendant's wines, and is likely to cause consumers to believe, contrary to fact, that Defendant's wines are sold, authorized, endorsed, or sponsored by Tenbrink, or that Defendant is in some way affiliated with or sponsored by Tenbrink. Defendant's conduct therefore constitutes trademark infringement in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

34. Upon information and belief, Defendant has committed the foregoing acts of infringement with full knowledge of Tenbrink's prior rights in the SHOVEL Mark and with the willful intent to cause confusion and trade on its goodwill.

35. By reasons of Tenbrink's prior adoption and use of its marks and its federally registered design trademarks, Tenbrink's rights are superior to and supersede any rights Defendant may have in the Infringing Mark.

1           36. Defendant was on constructive notice of the existence of Tenbrink's rights to the  
2 SHOVEL Mark and design, by reason of the existence of Tenbrink's federal trademark registrations  
3 and by reason of its prior cease and desist letter.

4           37. Defendant had actual knowledge of Tenbrink's prior and superior rights to the  
5 SHOVEL Mark.

6           38. The class of customers for the products offered by Defendant is the same class of  
7 customers to whom Tenbrink offers its products.

8           39. In view of the substantially identical nature of the parties' products, the confusing  
9 similarity caused by the use of the SHOVEL Mark by the two parties, and the substantially similar  
10 channels of trade and classes of purchasers of the parties' products, Defendant's continued use of  
11 wine bottle labeling with a shovel design is likely to cause confusion, mistake, and deception among  
12 purchasers and the public generally, leading them to believe, falsely, that Defendant's products are  
13 those of, sponsored or approved by, or in some way connected with Tenbrink, to the irreparable injury  
14 of Tenbrink and the public. Despite such likelihood of public confusion, mistake, or deception,  
15 Defendant pursues its wine bottle labeling with a shovel design, disregarding Tenbrink's demands  
16 that Defendant cease this activity.

17           40. On information and belief, Defendant's acts complained of herein have for their  
18 objective the willful appropriation of Tenbrink's right in the SHOVEL Mark and design and of the  
19 valuable goodwill of Tenbrink's business, thereby unlawfully benefitting Defendant.

20           41. On information and belief, the continued use of the wine labeling with a shovel by  
21 Defendant will be likely to injure the business and reputation of Tenbrink and will damage the  
22 distinctive quality of Tenbrink's SHOVEL Mark and design and federally registered trademark.

23           42. Defendant's conduct is causing immediate and irreparable harm and injury to  
24 Tenbrink, and to its goodwill and reputation, and will continue to both damage Tenbrink and confuse  
25 the public unless enjoined by this court. Tenbrink has no adequate remedy at law.

26           43. Tenbrink is entitled to, among other relief, injunctive relief and an award of actual  
27 damages, Defendant's profits, enhanced damages and profits, reasonable attorneys' fees, and costs of  
28

the action under Sections 34 and 35 of the Lanham Act, 15 U.S.C. §§ 1116, 1117, together with pre-judgment and post-judgment interest.

## **SECOND CAUSE OF ACTION**

### **FEDERAL UNFAIR COMPETITION, FALSE REPRESENTATION, AND FALSE DESIGNATION OF ORIGIN**

44. Tenbrink re-alleges and incorporates herein by re-alleges all allegations contained in Paragraphs 1 through 43 as if fully set forth herein.

45. Defendant's unauthorized use in commerce of the Infringing Mark is likely to deceive consumers as to the origin, source, sponsorship, or affiliation of Defendant's wines, and is likely to cause consumers to believe, contrary to fact, that Defendant's wines are sold, authorized, endorsed, or sponsored by Tenbrink, or that Defendant is in some way affiliated with or sponsored by Tenbrink.

46. Defendant's unauthorized use in commerce of the Infringing Mark constitutes use of a false designation of origin and misleading description and representation of fact.

47. Upon information and belief, Defendant's conduct is willful and is intended to and is likely to cause confusion, mistake, or deception as to the affiliation, connection, or association of Defendant with Tenbrink.

48. Defendant's conduct constitutes unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

49. Defendant's conduct is causing immediate and irreparable harm and injury to Tenbrink, and to its goodwill and reputation, and will continue to both damage Tenbrink and confuse the public unless enjoined by this Court. Tenbrink has no adequate remedy at law.

50. Tenbrink is entitled to, among other relief, injunctive relief and an award of actual damages, Defendant's profits, enhanced damages and profits, reasonable attorneys' fees, and costs of the action under Sections 34 and 35 of the Lanham Act, 15 U.S.C. §§ 1116, 1117, together with pre-judgment and post-judgment interest.

51. The aforesaid acts constitute federal unfair competition in the form of passing off, false representation, false advertising, and false designation of origin, all in direct violation of 15 U.S.C. § 1125 (a).

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**THIRD CAUSE OF ACTION**

**CALIFORNIA TRADEMARK INFRINGEMENT**

52. Tenbrink re-alleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 51 as if fully set forth herein.

53. This cause of action arises under Cal. Bus. & Prof. Code § 14200 et seq., specifically § 14245.

54. This Court has supplemental jurisdiction over this cause of action and has jurisdiction pursuant to 28 U.S.C. § 1338(b).

55. Defendant's use of the wine bottle labeling with a shovel design is without the permission or authorization of Tenbrink and is likely to cause confusion, mistake and deception among consumers and the public generally. Despite such a likelihood of public confusion, mistake or deception, Defendant has continued to use and is presently using the wine bottle labeling with a shovel design and disregarding Tenbrink's demand that Defendant cease this activity.

56. Upon information and belief, Defendant's continued use of the wine bottle labeling with a shovel design is likely to injure the activity and reputation of Tenbrink, will diminish the distinctive quality of Tenbrink's source identifying mark, and cause irreparable injury to Tenbrink's trade and goodwill and to the public.

57. Defendant's wrongful acts constitute common law trademark infringement in California.

58. Defendant's aforesaid acts are irreparably damaging to Tenbrink and will continue to irreparably damaging Tenbrink unless enjoined by this Court, and Tenbrink is without an adequate remedy at law.

59. Defendant has engaged in unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices through its unlawful use of the wine bottle labeling with a shovel design.

60. Defendant's use of a shovel design is causing confusion among consumers given:

- a. Tenbrink's historical and continuous use of its SHOVEL Mark;
- b. The proximity of the parties' wineries and relatedness of their products;

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- c. Similarity of marks in sight, sound, and meaning;
- d. Competition and overlap in marketing channels;
- e. Importance of labeling and bottle design in the type of goods being sold and degree of care, or lack thereof, exercised by purchasers.

#### **FOURTH CAUSE OF ACTION**

##### **CALIFORNIA UNFAIR COMPETITION**

61. Tenbrink re-alleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 60 as if fully set forth herein.

62. This Court has supplemental jurisdiction over this cause of action and has jurisdiction pursuant to 28 U.S.C. § 1338(b).

63. As described more fully herein, Defendant's wrongful acts constitute unfair competition, under Cal. Bus. & Prof. Code § 17200 *et seq.*, in that said acts:

- a. Enable and will continue to enable Defendant to obtain the benefit of and trade on Tenbrink's goodwill;
- b. Damage and will continue to damage Tenbrink's goodwill in that Tenbrink does not have control over Defendant's operation; and
- c. Cause, have caused, and are likely to continue to cause confusion, mistake, or deception in the minds of the public.

64. The aforesaid acts of Defendant are greatly and irreparably damaging to Tenbrink and will continue to be greatly and irreparably damaging unless enjoined by this Court.

#### **FIFTH CAUSE OF ACTION**

##### **CALIFORNIA FALSE ADVERTISING**

65. Tenbrink re-alleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 64 as if fully set forth herein.

66. This cause of action arises under Cal. Bus. & Prof. Code § 17500 *et seq.* This Court has supplemental jurisdiction over this cause of action and has jurisdiction pursuant to 28 U.S.C. § 1338(b).

67. Defendant has engaged in false advertising by its continued and deceptive use of its wine bottle labeling and marketing that includes a shovel design.

68. Defendant's advertising and marketing use of a shovel design causes confusion among consumers given:

- a. Tenbrink's historical and continuous use of its SHOVEL Mark;
- b. The proximity of the parties' wineries and relatedness of their products;
- c. Similarity of marks in sight, sound, and meaning;
- d. Competition and overlap in marketing channels;
- e. The importance of labeling and bottle design in the type of goods being sold and degree of care, or lack thereof, exercised by purchasers.

69. Defendant's wine bottle labeling and packaging is sufficiently similar to Tenbrink's SHOVEL Mark that consumers are likely to be confused as to source of products.

70. Defendant is aware that its unlawful use of Tenbrink's SHOVEL Mark is either actually misleading or has the capacity, likelihood, or tendency to deceive or confuse the public.

### **PRAYER FOR RELIEF**

WHEREFORE, Tenbrink prays for judgment against Defendant La Pelle Wines, LLC as follows:

- a. That Defendant has violated Section 32 of the Lanham Act (15 U.S.C. § 1114) and Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)).
- b. That Defendant has violated California trademark law Cal. Bus. & Prof. Code § 14200 *et seq.*, unfair competition law Cal. Bus. & Prof. Code § 17200 *et seq.* and Cal. Bus. & Prof. Code § 17500 *et seq.*
- c. Granting an injunction temporarily and permanently enjoining the Defendant, its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries, and assigns, and all of those in active concert and participation with any of the foregoing persons and entities who receive actual notice of the Court's order by personal service or otherwise from:

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- i. manufacturing, distributing, providing, selling, marketing, advertising, promoting, or authorizing any third party to manufacture, distribute, provide, sell, market, advertise or promote Defendant's wine or any products bearing the Infringing Mark or any other mark that is a counterfeit, copy, simulation, confusingly similar variation, or colorable imitation of Tenbrink's SHOVEL mark;
  - ii. engaging in any activity that infringes Tenbrink's rights in its SHOVEL mark;
  - iii. engaging in any activity constituting unfair competition with Tenbrink;
  - iv. making or displaying any statement, representation, or depiction that is likely to lead the public or the trade to believe that (i) Defendant's wines are in any manner approved, endorsed, licensed, sponsored, authorized, or franchised by or associated, affiliated, or otherwise connected with Tenbrink or (ii) Tenbrink's wines are in any manner approved, endorsed, licensed, sponsored, authorized, or franchised by or associated, affiliated, or otherwise connected with Defendant;
  - v. registering or applying to register any trademark, service mark, domain name, trade name, or other source identifier or symbol of origin consisting of or incorporating the Infringing Mark or any other mark that infringes or is likely to be confused with Tenbrink's SHOVEL mark, or any goods or services of Tenbrink, or Tenbrink as their source; and
  - vi. aiding, assisting, or abetting any other individual or entity in doing any act prohibited herein.
- d. Granting such other and further relief as the Court may deem proper to prevent the public and trade from deriving the false impression that any goods or services manufactured, sold, distributed, licensed, marketed, advertised, promoted, or otherwise offered or circulated by Defendant are in any way approved, endorsed, licensed, sponsored, authorized, or franchised by or associated, affiliated, or otherwise connected with Tenbrink or constitute or are connected with Tenbrink's wines.



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- 1 e. Directing Defendant to immediately cease all manufacture, display, distribution,  
2 marketing, advertising, promotion, sale, offer for sale and/or use of any and all  
3 packaging, labels, catalogs, shopping bags, containers, advertisements, signs,  
4 displays, and other materials that feature or bear any designation or mark incorporating  
5 the Infringing Mark or any other mark that is a counterfeit, copy, simulation,  
6 confusingly similar variation, or colorable imitation of Tenbrink's SHOVEL mark,  
7 and to direct all distributors, retailers, wholesalers, and other individuals and  
8 establishments wherever located in the United States that distribute, advertise,  
9 promote, sell, or offer for sale Defendant's goods or services to cease forthwith the  
10 display, distribution, marketing, advertising, promotion, sale, and/or offering for sale  
11 of any and all goods, services, packaging, labels, catalogs, shopping bags, containers,  
12 advertisements, signs, displays, and other materials featuring or bearing the Infringing  
13 Mark or any other mark that is a counterfeit, copy, simulation, confusingly similar  
14 variation, or colorable imitation of the Tenbrink's SHOVEL Mark, and to immediately  
15 remove them from public access and view.
- 16 f. Directing that Defendant recall and deliver up for destruction, or other disposition, all  
17 goods, packaging, shopping bags, containers, advertisements, promotions, signs,  
18 displays, and related materials incorporating or bearing the Infringing mark or any  
19 other mark that is a counterfeit, copy, confusingly similar variation, or colorable  
20 imitation of Tenbrink's SHOVEL Mark.
- 21 g. Directing Defendant to formally abandon with prejudice any and all of its applications  
22 to register the Infringing Mark or any mark consisting of, incorporating, or containing  
23 Tenbrink's SHOVEL Mark or any counterfeit, copy, confusingly similar variation, or  
24 colorable imitation thereof on any state or federal trademark registry.
- 25 h. Directing Defendant to cancel with prejudice any and all of its registrations for the  
26 Infringing Mark or any mark consisting of, incorporating, or containing Tenbrink's  
27 SHOVEL Mark or any counterfeit, copy, confusingly similar variation, or colorable  
28 imitation thereof on any state or federal trademark registry.

- i. Directing, pursuant to Section 35(a) of the Lanham Act (15 U.S.C. § 1116(a)), Defendant to file with the court and serve upon Tenbrink's counsel within thirty (30) days after service on Defendant of an injunction in this action, or such extended period as the Court may direct, a report in writing under oath, setting forth in detail the manner and form in which Defendant has complied therewith.
- j. Awarding Tenbrink an amount up to three times the amount of its actual damages, in accordance with Section 35(a) of the Lanham Act (15 U.S.C. § 1117(a)).
- k. Directing that Defendant account to and pay over to Tenbrink all profits realized by its wrongful acts in accordance with Section 35(a) of the Lanham Act (15 U.S.C. § 1117(a)), enhanced as appropriate to compensate Tenbrink for the damages caused thereby.
- l. Declaring that this is an exceptional case pursuant to Section 35(a) of the Lanham Act and awarding Tenbrink its costs and reasonable attorneys' fees thereunder (15 U.S.C. § 1117(a)).
- m. Awarding Tenbrink interest, including prejudgment and post-judgment interest, on the foregoing sums.
- n. Awarding Tenbrink damages to the full extent provided by California common law.
- o. Any other relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Tenbrink demands a trial by jury on all issues so triable.

Dated: February 9, 2022

HOLLAND & KNIGHT LLP

By: s/ Dan Kappes  
Daniel P. Kappes

Attorneys for Tenbrink Winery, LLC

# Exhibit 1

# United States of America

## United States Patent and Trademark Office



**Reg. No. 3,730,949** TENBRINK WINERY, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)  
Registered Dec. 29, 2009 4185 CHARBORNE ROAD  
FAIRFIELD, CA 94534

**Int. Cl.: 33** FOR: WINES, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 2-20-2008; IN COMMERCE 2-20-2008.

**TRADEMARK**  
**PRINCIPAL REGISTER**

THE MARK CONSISTS OF A SHOVEL OF GOLD. THE COLOR BLACK REPRESENTS BACKGROUND AND IS NOT PART OF THE MARK

THE COLOR(S) GOLD IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SER. NO. 77-737,702, FILED 5-15-2009.

TRICIA SONNEBORN, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

## Trademarks > Trademark Electronic Search System (TESS)

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(2) DESIGN ONLY

14.07.01 - Agricultural implements (non-motorized), shovels ; Agricultural implements (non-motorized), spades ; Farm equipment, agricultural implements (non-motorized), shovels ; Farm equipment, agricultural implements (non-motorized), spades ; Shovels ; Spades, agricultural ; Trowels (gardening)

26.11.21 - Rectangles that are completely or partially shaded

ART-14.07 Non-motorized agricultural or horticultural implements

SHAPES-COLORS-2 Design listing or lined for two colors

## SHAPES-GEOMETRIC

77737702

May 15, 2009

1A

1A

October 13, 2009

Registration Number

December 29, 2009

December 20, 2009  
(REGISTRANT) **Tenbrink Winery, LLC** LIMITED LIABILITY COMPANY CALIFORNIA 4185 Charborne Road Fairfield CALIFORNIA 94534

Tenbrink Winery, LLC

The color(s) gold is/are claimed as a feature of the mark. The mark consists of a shovel of gold. The color black represents background and is not part of the mark.

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**Exhibit**













2015 Christmas Wine & Gift Event - Sat. Dec. 12th - 11am - 4 pm

2013 Rockville Red A blend of Cabernet and Petite Sirah	\$25 bottle	\$250 case
2013 Rockville White a Chardonnay Blend	\$12 bottle	\$120 case
2014 Rose from our Cabernet grapes	\$12 bottle	\$120 case
2013 Riesling a "dry" Riesling - fruity but not sweet	\$16 bottle	\$120 case
2012 Tempranillo soft yet juicy - an easy red	\$16 bottle	\$180 case
2012 Petite Sirah our biggest and boldest red	\$50 bottle	\$500 case
2013 Cabernet classic Cabernet - very rich	\$50 bottle	\$500 case
2015 Olive Oil 750ml	\$38 bottle	\$400 case
2015 Olive Oil 350 ml	\$25 bottle	
Red Gift Box "THE ROCKVILLES"	\$30 BOX	
Black Gift Box "THE RICH REDS"	\$95 BOX	
Gold Gift Box "THE PARTY BOX"	\$40 BOX	
subtotal before discount or taxes		\$
active mailing list guests receive an additional 10% discount !		\$ ( - )
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contact Linda Tenbrink (707) 480-7334 for info and to schedule an appointment

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**Exhibit**



(<https://californiawinesandwineries.com/>)

## California Wines & Wineries

Wines and Wineries in California

(<https://californiawinesandwineries.com/>)

### Tenbrink 2016 Petite Sirah – Bold, Brawny and Yet Graceful

(<https://californiawinesandwineries.com/2020/01/18/tenbrink-2016-petite-sirah-bold-brawny-and-yet-graceful/>)

POSTED ON JANUARY 18, 2020 ([HTTPS://CALIFORNIAWINESANDWINERIES.COM/2020/01/18/TENBRINK-2016-PETITE-SIRAH-BOLD-BRAWNY-AND-YET-GRACEFUL/](https://californiawinesandwineries.com/2020/01/18/TENBRINK-2016-PETITE-SIRAH-BOLD-BRAWNY-AND-YET-GRACEFUL/))

**Did a story on Tenbrink and Tolenas wines earlier this month but did not review their Tenbrink 2016 Petite Sirah.**

(<https://californiawinesandwineries.com/2020/01/09/tenbrink-vineyards-and-tolenas-winery-a-family-story/>

(<https://californiawinesandwineries.com/2020/01/09/tenbrink-vineyards-and-tolenas-winery-a-family-story/>)).

**Steve Tenbrink gave me a bottle after I had purchased on the spot 6 bottles of their Chardonnay. I put it in the cellar waiting for the right time and food pairing.**



Last night at our informal "Friday Wine & Dine" group dinner at Copper Valley Grille, consisting of good friends, fellow wine drinkers who all are Wine Society members, I ordered the Flat Iron Steak thinking this would be a solid pairing. The Flat Iron Steak was grilled medium rare, with whiskey peppercorn sauce, roasted baby red potatoes and spaghetti squash. The wine was opened up about one hour before the meal.

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The wine was an intense deep red almost "black coloration" when being poured. It possessed a heavy body and viscosity. The senses were on overload on the first smell and taste with flavors of blueberry, cocoa, black pepper and a slight smell of sweet pipe tobacco. This was no ordinary Petite Sirah in the glass was the consensus of the group! The consumption of the wine with the steak proved excellent and exquisite. One of the folks at dinner had grilled pork tenderloin with fig glaze, bacon , onion compote and sweet corn puree and it even tasted better with a piece I was given! I have had the opportunity to try many, many Petite Sirah's and this one received my highest praises and score. At the table we had another Petite Sirah but in comparison it was like a watered down version! The finish was exceptional with a long finish with bold fruits and flavors and strong tannins.

As an educational note, Petite Sirah is not a "smaller" version of Syrah as it is a wholly different varietal. The background on Petite Sirah is that it is the offspring of Syrah and Peloursin (a scarce and almost extinct grape).

Since it is getting to the end of football season, the analogy of this Petite Sirah reminds me of a 260 pound linebacker with brawn and strength, yet nimble like a Heisman Trophy running back with the ability to maneuver around the food and impart such wondrous fruit profiles. This wine became an instant legend from Suisun Valley and scored touchdowns with all the fans participating in dinner last night! This sells for \$60 and is a gem.

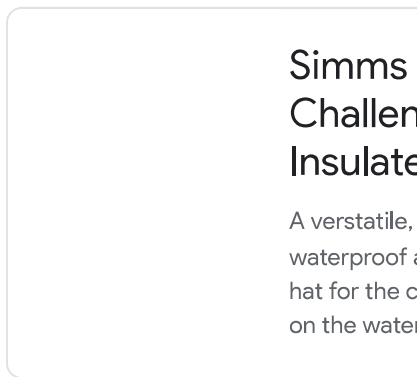
Slainte,

Michael

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## 3 thoughts on “Tenbrink 2016 Petite Sirah – Bold, Brawny and Yet Graceful”

**Tenbrink 2018 Chardonnay Continues To Be A Great Wine « California Wines & Wineries**  
(<https://californiawinesandwineries.com/2021/07/07/tenbrink-2018-chardonnay-continues-to-be-a-great-wine/>) said:

July 7, 2021 at 9:26 pm

[...] <https://californiawinesandwineries.com/2020/01/18/tenbrink-2016-petite-sirah-bold-brawny-and-yet-graceful/#8230> (<https://californiawinesandwineries.com/2020/01/18/tenbrink-2016-petite-sirah-bold-brawny-and-yet-graceful/#8230>); [...]

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**2018 Tenbrink Chardonnay – The Perfect Wine to Enjoy On The Patio « California Wines & Wineries**  
(<https://californiawinesandwineries.com/2021/08/25/2018-tenbrink-chardonnay-the-perfect-wine-to-enjoy-on-the-patio/>) said:

August 25, 2021 at 6:54 pm

[...] <https://californiawinesandwineries.com/2020/01/18/tenbrink-2016-petite-sirah-bold-brawny-and-yet-graceful/#8230> (<https://californiawinesandwineries.com/2020/01/18/tenbrink-2016-petite-sirah-bold-brawny-and-yet-graceful/#8230>); [...]

★ ([https://californiawinesandwineries.com/2020/01/18/tenbrink-2016-petite-sirah-bold-brawny-and-yet-graceful/?like\\_comment=3872&\\_wpnonce=5a4e4ad5fc](https://californiawinesandwineries.com/2020/01/18/tenbrink-2016-petite-sirah-bold-brawny-and-yet-graceful/?like_comment=3872&_wpnonce=5a4e4ad5fc))

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## 2018 Tenbrink Chardonnay and A Light Stir-Fried Chicken << California Wines & Wineries

(<https://californiawinesandwineries.com/2021/09/18/2018-tenbrink-chardonnay-and-a-light-stir-fried-chicken/>) said:

September 18, 2021 at 6:41 pm

[...] <https://californiawinesandwineries.com/2020/01/18/tenbrink-2016-petite-sirah-bold-brawny-and-yet-gra#8230> (<https://californiawinesandwineries.com/2020/01/18/tenbrink-2016-petite-sirah-bold-brawny-and-yet-gra#8230>); [...]

★ ([https://californiawinesandwineries.com/2020/01/18/tenbrink-2016-petite-sirah-bold-brawny-and-yet-graceful/?like\\_comment=3973&\\_wpnonce=e3887c1d47](https://californiawinesandwineries.com/2020/01/18/tenbrink-2016-petite-sirah-bold-brawny-and-yet-graceful/?like_comment=3973&_wpnonce=e3887c1d47))  
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## About Me

My focus is on showcasing small artisan and handcrafted wines of quality regardless of pricing. Quality wines are defined as having distinct layers and aromas that linger on the palate.

I am a member of American Wine Society. I typically taste 1,500+ wines a year. All the recommendations listed are wines which I have paid for and tasted. I am also a collector of fine Northern California wines, writer, grape broker, exporter servicing 3-Star Michelin restaurants and more.

Contact at [mkellywine@gmail.com](mailto:mkellywine@gmail.com)

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2009 Tenbrink Vineyards Cabernet Sauvignon  
CABERNET SAUVIGNON

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USA > California > North Coast > Suisun Valley  
Drinking window not specified (Add My Dates)

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WINE DEFINITION

Vintage	2009
Type	Red
Producer	Tenbrink Vineyards
Variety	Cabernet Sauvignon
Designation	n/a
Vineyard	n/a
Country	USA
Region	California
SubRegion	North Coast
Appellation	Suisun Valley
Display options	Default

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## California Wines & Wineries

Wines and Wineries in California

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### 2018 Tenbrink Vineyards Chardonnay

(<https://californiawinesandwineries.com/2022/01/22/2018-tenbrink-vineyards-chardonnay/>)

POSTED ON JANUARY 22, 2022 ([HTTPS://CALIFORNIAWINESANDWINERIES.COM/2022/01/22/2018-TENBRINK-VINEYARDS-CHARDONNAY/](https://californiawinesandwineries.com/2022/01/22/2018-TENBRINK-VINEYARDS-CHARDONNAY/))



Pulled of the cellar a 2018 Tenbrink Chardonnay from Suisun Valley. When I first tasted this wine in January 2019, I immediately rated it as one of the Best of Year wines on the nose alone without even tasting it. I can't recall giving a "score" to any wine before tasting it! When I first sipped the wine it was inspirational. The pale straw coloring provided an array of honeysuckle, pear and apple on nose and later on the palate. It had a touch of citrus on the finish and was clearly going to be a winner! All the kudos for this wine still ring true! It made the Best Wines Tasted in 2021. I am so pleased I continued to purchase this wine. A tremendous bargain now at \$32 retail price for the 2020 release. See a previously written stories on this boutique winery at:

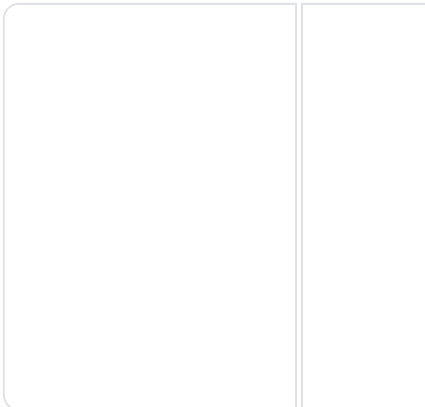
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Last evening paired with a grilled Swordfish at Vine16 restaurant. Topped with a pineapple salsa, garlic mashed potatoes and seasonal vegetables. The Swordfish dinner was a great pairing with the floral and fruits in this flavorful Tenbrink Chardonnay.

Suisun Valley is definitely one of the most underappreciated and under the radar wine regions in California.

Sláinte,

Michael

<https://californiawinesandwineries.com> (<https://californiawinesandwineries.com>)

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## [Tenbrink Vineyards ~ A Suisun Valley Success Story](#)

Posted on Nov 30, 2010 in [Blog](#), [Grape Growing](#), [Wine](#) | [1 comment](#)

### **In a Nutshell**

Linda and Steve Tenbrink have farmed in Suisun Valley for most of their adult lives. They came to Suisun Valley as newlyweds with absolutely no experience in farming, but they had a dream. They bought their first five acres, where the winery now stands, and at the urging of winemaker Abe Schoener they decided to build their winery. Once they had set aside a barrel of our own wine to see what it would taste like, they knew that they were also going to be making wine in Suisun Valley. Their first vintage was in 2006, and they've a lot of fun making wine ever since.

### **Their Farm**

Over the years, they've continued buying farmland, which now includes about 60 acres for vineyards. They also have another 52 acre farm. This one is planted with walnuts, a variety of fruit trees, and an heirloom tomato patch. They grow several hundred varieties of tomatoes each year, and their clients include many Napa and Bay Area fine dining restaurants, like the French Laundry and Bistro Don Giovanni's.

### **Their Winery**

Their winery is a red barn, which they've added to the remnants of a 100 year-old redwood barn. They don't have a tasting room yet, but they host a lot of private events by invitation, only.

### **Their Winemaking Style**

They know the importance of great wine beginning in the vineyards. Steve controls the quality of the grapes during all the seasons, knowing each vine intimately. He uses both traditional and new methods of winemaking to craft wines that are uniquely his own. Because they're farmers first, they decided to use a shovel on their label, because "it's a perfect icon," according to Linda Tenbrink.

**Stephen Tenbrink** is a soft spoken, quietly self-assured grower. He and his wife **Linda** operate [Tenbrink Vineyards](#) in [Suisun Valley](#); Steve the humble farmer, and Linda his promoter in all things related to their businesses. Steve began farming:

- at first with cherries, peaches, apricots and prunes
- followed by a farmers market garden with 100's of heirloom tomatoes
- segueing to a walnut grove
- and finishing with a vineyard project by 1996

They got themselves over the Suisun/Napa mountain range to sell those tomatoes, headed toward a most opportune relationship.



That moment came with one of their clients, the talented and quirky winemaker **Abe Schoener** (former professor of Ancient Greek philosophy, so you can only imagine where he'd take winemaking). Abe was buying their tomatoes for a dinner party. They nudged him to come to their vineyards to see the promise that this might also hold for him... And he finally did it, changing the course of all of their lives.

Abe became fascinated. So fascinated, in fact, that Linda happily relates:

In 2002, we managed to convince Abe to visit our vineyard. He was very reluctant. However, once he took sight of the vineyards he said, "I knew that I was going to buy some of those grapes before I even got out of the car". We were so happy that as a present to Abe we gave him some of our Petite Sirah grapes, which became the foundation of his Scholium Project – Babylon.

Things grow rapidly around us – and so did the [Scholium Project](#). At Abe's urging we built a winery, as he had outgrown the facility he was using in Napa. Once again, entering the winery business completely naïve – (probably a good thing we didn't know) headfirst with no experience at winemaking .

The union of Abe and Steve has given the Tenbrinks an advantage of having a winemaker who's brave, innovative, and daring to inspire a winemaking style. And, he loves media attention. Together, they're sharing the world of wine in a very close relationship.



[This image was taken during Passport Weekend, April 2009, for a Wall Street Journal story.]

The intent of making their own wines to showcase the potential for the excellent quality to price ratio that exists from Suisun Valley, and their connection to Abe Schoener, has done a lot to demonstrate that quality from vine to wine...



[Another photo from their Passport event. Steve is in the center in the beige shirt.]

Abe has had three really high profile stories in the last month alone:

**SF CHRON:** *N.Y. takes a new look at California wines*, by Talia Baiocchi, November 7, 2010:

“... Abe Schoener, proprietor of Scholium Project, found New York to be more receptive to his uncategorizable efforts, like skin-fermented Sauvignon Blanc. ‘I don’t fit into this new category of natural winemaking in California,’ Schoener says, ‘Nor do I fit into this old category of high-alcohol, extracted wines. Being in that no-man’s land has been a lot easier for me in New York than it has been in California.’ Indeed, two-thirds of Schoener’s mailing list is made up of New York residents.”

**Esquire Magazine:** *Abe Schoener: Renegade Vintner*, by Robert Willey, December 2010

“Last summer... an aspiring young French vintner on a two-week research tour put an unwashed, streaked glass to his lips. He was silent for a moment, this man schooled in the classic flavors of grapes now standing in a workshop cluttered with hydrometers and refractometers and with copies of Darwin, Gibbon, and Borges. And then he burst out laughing. This sauvignon blanc rocketed beyond its usual harmony of oil and citrus into an earthier realm of ... mushrooms and cheese?! This petite sirah was — how do you say in English? — violating his mouth...”

**Wall Street Journal** also had a story featuring Abe in November. *Napa’s Retro Dudes*, by Jay McInerney:

“‘A former professor of Greek philosophy, Mr. Schoener is the proprietor of Scholium Project, a winery that makes deeply eccentric (mostly white) wines beloved by sommeliers and geeks. He looks a little alien here in his sharp black suit and his tinted Utopia LA glasses, but it’s clear that he’s part of the gang.’”

Linda takes great pride in what they’re all achieving. She recent wrote:

I suggest that you follow Abe Schoener on [Facebook](#), especially the last two weeks. He’s been in LA and was received favorably at Four Seasons; and is now in Chicago where every top end restaurant is throwing a reception for him.

Most of the publicity for the Tenbrink’s Vineyards is coming through Abe’s efforts, but Linda also enjoys important wine placement in companies like [Dean & DeLuca](#). They know they’re coming of age, with tie-ins from outside of their valley that are solidly placing them “on the map.”

Abe Schoener’s wines demonstrate the prices that a vintner is able to get using Suisun Valley fruit:

- 2007 Tenbrink Vineyards Bricco Babelico ~ Petite \$45 (Suisun Valley, but not on the label as the AVA)
- 2008 Tenbrink Vineyards Babylon ~ Petite Sirah \$75 (Suisun Valley, but not on the label as the AVA)

Hardy Wallace wrote about Suisun Valley and Tenbrink Vineyards: A Day at Tenbrink Vineyards by [www.dirtysouthwine.com](http://www.dirtysouthwine.com).

“Last Sun., my buddy Tripp and I headed over to Fairfield, CA / Suisun (so-soon) – for a Sunday afternoon trifecta—Getting to hang and walk the vineyards with Linda and Steve Tenbrink of Tenbrink Vineyards and Winery, to taste barrels with Abe Schoener of Scholium Project and then to tuck into a ridiculous feast of pig-tastic proportions (Linda can cook like a maniac)...”

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Explore Suisun Valley tasting rooms, farm stands, restaurants, events and more at [suisunvalley.com](https://suisunvalley.com)



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WINERIES (HTTPS://MONARCH.WINE/CATEGORY/WINERIES/)

## SEE YOU IN SUISUN



BY ALLISON LEVINE(HTTPS://MONARCH.WINE/AUTHOR/ALLISONLEVINE/)

NOVEMBER 11, 2021

There is a likely chance you have not heard of the Suisun Valley but an equally likely chance you have had wines made from grapes from the Suisun Valley. How is that possible? Where is the Suisun Valley? What is the Suisun Valley? Well, after reading this, you might start saying, "See you in Suisun!"

The Suisun Valley lies on the backside (southeast side) of Napa Valley where the two regions share a county line. The Suisun Valley is not a new region. In fact, grapes have been cultivated in this area since the 1800s. The Suisun Valley American Viticultural Area (AVA) was established in 1982, making it the 12<sup>th</sup> AVA established in California. And, in 1983, the Suisun Valley was inducted into the North Coast AVA which includes the AVAs of Napa and Sonoma. It is under the North Coast AVA that you have likely had a wine from the Suisun Valley.

Originally home to the Patwin tribe, the name "Suisun" is a Patwin word that means "where the west wind blows". Surrounded by the Vaca Mountains and the St. George range, the Suisun Valley is also influenced by the San Pablo and Suisun Bays. In a Mediterranean climate with a marine influence, cool winds come in from the bays and help the grapes mature.



Only eight miles long and three miles wide, there are three distinct climate zones. The "lower valley" is windy and the coolest part where even Pinot Noir can grow; the "mid-valley" is where the winds are buffered by the mountains resulting in idyllic growing conditions for a variety of grapes; the "upper valley", the warmest area, is where the canyons lead into Napa Valley.

There are more than 3,000 acres planted to more than 28 varieties of wine grapes in the Suisun Valley. The primary red grape is Petite Sirah but other red grapes include Cabernet Sauvignon, Zinfandel, Cabernet Franc, Merlot, Syrah, Sangiovese, Tempranillo, Barbera, Teroldego, Grenache, Carignane, Mourvedre, Primitivo, Aglianico, Malbec, Chabono, and even Pinot Noir. White grapes include Chardonnay, Chenin Blanc, Albarino, Gewurztraminer, Pinot Grigio, Sauvignon Blanc, Viognier, Riesling, and more.

Eighty percent of the vineyards in the Suisun Valley are family-owned, and all are Certified California Green. There are 12 small, family-owned wineries welcoming guests to taste their wines. Next time you head to Napa, perhaps head to the back side of Napa Valley and visit one of these wineries in the Suisun Valley.

#### **Tenbrink Family Winery** (<https://www.tenbrinkwinery.com/>)

Steve and Linda Tenbrink drove through the Suisun Valley on the way from the Bay Area to Lake Berryessa. They found a property in 1982, built a house, planted a fruit orchard, and built a fruit stand. But in 1996 Steve began growing grapes and selling them. One of the winemakers he sold wine to told Steve that if he built a winery, he would teach him how to make wine. And, in 2007, Steve started Tenbrink Family Winery. Making only 200 cases of wine per year, Steve is very hands-on, using native yeasts and fermenting in puncheons.

**Tenbrink Family Winery 2019 Assyrtiko, Suisun Valley (\$32)** – A grape typically found on the island of Santorini in Greece, a small amount is grown in the Suisun Valley, and 2019 marks the third vintage for Steve. The wine has nutty and mineral notes with a touch of floral aromas. On the palate, the wine has a full-bodied texture and finishes with notes of citrus and honey.





**Tenbrink 2016 Estate Petite Sirah, Suisun Valley (\$100)** – Suisun Valley is considered the “Petite Sirah capital” and this is a beautiful expression of the grape. Intense notes of blueberry, prunes, cocoa, sweet tobacco and black pepper jump out of the glass. Deep, dark, rich, and bold yet finishes elegantly with bright acidity.

**Tolenas Winery** (<https://www.tolenaswinery.com/>)

Raised on the Tenbrink farm, Lisa Tenbrink Howard swore she would never work in agriculture. She “ran away” and studied engineering. But ultimately, Lisa moved back with her husband Cliff Howard and in 2015 they started Tolenas Winery. An extension of Tenbrink Family Winery, Tolenas produces 1300 cases per year.

**Tolenas 2020 Eclipse White Pinot Noir, Suisun Valley (\$35)** – In 2017, during the American eclipse, Lisa decided to keep some of the Pinot Noir that she typically sold to the Biltmore Estate in North Carolina. She made her first vintage of white Pinot Noir and has been doing it every year since. 313 cases are made of this fresh and elegant wine with aromas of strawberries, cherries, white nectarine, grapefruit, and a touch of watermelon.



**Tolenas 2017 Red Blend, Suisun Valley (\$50)** – Instead of making six different wines from six different grapes, they decided to blend them all together. 60% Petite Sirah, 25% Zinfandel, and 10% Cabernet Sauvignon, with a splash of Tempranillo, the blend is aged in mostly neutral French and Hungarian oak. The result is a wine with dark red and black fruit, spice, and floral notes, sweet fruit tannins, and good acidity.

**Vezér Family Vineyard** (<https://www.vezerfamilyvineyard.com/>)

Founded by Frank and Liz Vezér in 2001, they produced their first Zinfandel in 2003. Since then, they have added more varieties, including Verdelho, Sauvignon Blanc, Cabernet Sauvignon, Petite Sirah, Merlot, and more. Jacob Stuessy has been the winemaker since 2011, after starting as a harvest "grunt" in 2007. The charming Blue Victorian house, a historic landmark in the Suisun Valley, is home to one of the ever-popular tasting rooms of Vezér Family Wines

**Vezér Family Vineyard 2020 Franci Verdelho, Suisun Valley (\$35)** – Coming from a small 2.5-acre hillside vineyard on the estate, the seventh vintage of this wine is made by foot stomping whole clusters, partial fermentation in oak, and four months on the lees. Intense aromatics of stone fruit, melon, and ginger give way to a creamy midpalate and a honeyed finish.

**Vezér Family Vineyard Cassie 2016 Petite Sirah, Suisun Valley (\$56)** – If looking for an "easy-drinking" Petite Sirah, this is it. Notes of boysenberry, blackberry, and cocoa lead to full-bodied wine with a broad texture and a hint of sweetness on the finish.



**Suisun Creek Winery** (<https://www.suisuncreekwinery.com/>)

Brian Babcock is a fourth-generation farmer and a first-generation winemaker. His family moved to the Suisun Valley when he was five years old. They started farming fruit trees but thirty years ago they replaced the fruit trees with grapes. Brian studied viticulture and enology at UC Davis and worked in Napa before returning to his family's property in 2016. Suisun Creek Winery produces all estate wines from their 80 acres and produces 900 cases of wine per year.

**Suisun Creek Winery 2020 Rosé, Suisun Valley (\$20)** – Made from the rarely planted Charbono grape, the grapes are hand-picked and go directly to the press where they spend two hours on the skins. The result is a shockingly bright and attractive cherry Jolly Rancher pink color. Notes of cherry, watermelon, and rose blossom open to a refreshing wine with a candied flavor on the finish.





**Suisun Creek Winery 2017 Estate Petite Sirah, Suisun Valley (\$44)** – Big fruit aromas of blackberry, boysenberry, black cherry, black currant, cola, and stewed prunes, this Petite Sirah has a rich, full body with smooth tannins.

**Wooden Valley Winery** (<https://www.woodenvalley.com/>)

Wooden Valley Winery was founded in 1933, after prohibition, by two Italian brothers, Salvatore and Emmanuel Brea. Mario Lanza moved to the Suisun Valley after a workplace incident. He knew the brothers and became a partner in 1944 and became the sole owner in 1955. Today Wooden Valley Winery is run by Mario's four grandsons. Rick is the winemaker, Ron handles the business and marketing, and Larry and Ken manage the vineyards. Wooden Valley Winery is the oldest winery in Suisun Valley, and they produce 10,000 cases of wine per year from their 400 acres of vineyards.

**Wooden Valley 2018 Merlot, Suisun Valley (\$25)** – With 14% Cabernet Sauvignon blended in, this is a very enjoyable, easy-drinking Merlot. It has pretty notes of cherries, blackberries, and cocoa with a hint of vanilla and on the palate, the medium-bodied wine has a silky finish.

**Lanza 2019 Sangiovese, Suisun Valley (\$27)** – A medium-bodied wine, this Sangiovese has aromas of black raspberry, black cherry, blackberry, cola, and sweet tobacco and finishes with juicy tannins.



**Mangels Vineyards** (<https://www.mangelsvineyards.com/>)

Mangels Vineyards is a partnership between Gary Mangels and Gina Richmond whose families both have a long history in the Suisun Valley. Gary's family arrived in the valley in 1866 and began producing wine in 1906. Gina's family arrived in the valley in 1890 and grew fruits and vegetables. In 1988, Gary purchased land and planted 35-acres of vines in 1991. He and Gina, who is the winemaker, founded Mangels Vineyards in 2009.

**Mangels Vineyards 2019 Pinot Grigio, Suisun Valley (\$17)** – Picked at low sugar levels to maintain freshness, fermented in concrete eggs, and stirring the lees, the wine has green apple, stone fruits, and floral notes and a lovely mid-weight on the palate.

**Mangels Vineyards 2018 Reserve Petite Sirah Suisun Valley (\$35)** – A bold wine with fresh aromas of blackberry, boysenberry, black cherry, and spice, the wine is vibrant on the palate with smooth tannins and a lingering finish.

**BackRoad Vines** (<https://backroadvines.com/>)

With a commitment to ecological responsibility, BackRoad Vines practices biodynamic farming, as well as recycles packaging materials, and up-cycles their byproducts. Specializing in Syrah, Cabernet Sauvignon, and red blends, BackRoad Vines hand-picks all grapes and ferments them in small vessels to produce distinctive wines.

**BackRoad Vines 2017 Mule, Suisun Valley (\$69)** – A blend of Petite Sirah and Syrah, this bold wine has notes of blackberry, stewed prunes, clove spices, and black pepper.

**Caymus – Suisun** (<https://www.wagnerfamilyofwine.com/product/2018-caymus-suisun-petite-sirah-grand-durif-suisun-valley>)

Caymus is a known name in the wine industry, having been an established brand in Napa Valley since the 1970s. Seeing the potential of the Suisun Valley, Caymus started working in the valley in 2014 and is currently planning to open a tasting room.

**Caymus-Suisun Grand Durif Petite Sirah 2018 (\$60)** – Plum, blackberry, black cherry, black pepper, cedar, tobacco, and a touch of vanilla aromas on the nose. On the palate, the wine is full-bodied with beautiful acidity, structured tannins, and a lingering, juicy finish.

**Suisun Valley Wine Co-Op** (<https://suisunvalleywinecoop.com/>)

More than just a tasting room, the Suisun Valley Co-Op is an incubator for smaller wineries. Founded in 2007, it is currently home to three wineries, Sunset Cellars, Blacksmith Cellars, and King Andrew Vineyards. Current owner Fah Sathirapongsasuti began going to the Co-Op to learn about wine and after meeting the winemakers, he was drawn in.

**Sunset Cellars** – Doug and Katsuko Sparks began Sunset Cellars in 1997, making wine in their garage in the Inner Sunset District in San Francisco. They founded the Suisun Valley Wine Co-Op as a tasting room for their wines and started making their wines there, including Barbera, Old Vine Zinfandel, Carignan, Petite Sirah, Charbono, and more.

**Black Smith Cellars** – Owner Matt Smith founded Blacksmith Cellars in 2003 with Cabernet Sauvignon and Chenin Blanc as his flagship wines. Matt loves to work with lesser-known varieties, such as Torrontes, Verdelho, Cunoise, and Nero d'Avola, as well as playing with aging in bourbon casks and botanical infusions.

**King Andrews Vineyards** – After growing grapes for many years, Roger and Carol King decided to become winemakers. Their first Syrah was in 2005; their first Cabernet Sauvignon was in 2007; they began making Albarino in 2008.

**Suisun Valley Filling Station** (<https://www.facebook.com/suisunvalleyfillingstation/>)

Located at Mankas Corner, the meeting hub of the Suisun Valley, the Suisun Valley Filling Station is a vintage gas station-inspired tasting room. Founded by Wendy DeCoito in 2018, the wine bar features locally produced Suisun Valley wines. In addition to featuring local producers, there are wines produced under the Filling Station label, such as "Faith" Sauvignon Blanc, "Friendship" Cabernet Blend, "Love" Zinfandel, and "Gratitude".



**Suisun Valley Filling Station 2019 Gratitude, Suisun Valley (\$32)** – A red blend of Rondinella and Corvina, two grapes traditionally found in Northern Italy, the grapes were handpicked and foot stomped. A light, transparent red wine, it has dark cherry, bramble aromas, and is light-bodied and fun. Best served chilled.

**Il Fiorello Olive Oil Company** (<https://ilfiorello.com/>)

A visit to the Suisun Valley is not complete without a visit to Il Fiorello Olive Oil Company. Founded in 2005 by Ann Fiorello Sievers and Mark Sievers, they have more than 3000 trees and 13 varieties of French, Italian, Spanish, and Greek olives. They built a mill on the property where they produce award-winning olive oils.

Olive oil tastings are offered daily and include a comparative tasting of Extra Virgin Olive Oils, Co-Milled Oils, and Balsamic Vinegar Reductions as well as a chef-crafted food pairing. Cooking classes, both demonstrations and hands-on, are offered. Or enjoy a prix fixe lunch while looking out at the olive trees. Il Fiorello Olive Oil Company also hosts fun events, such as the lavender festival.

The Suisun Valley has the rustic charm of the Napa Valley in the 1960s and there is much to discover. Remember, the Suisun Valley may be on the backside of Napa but that backside is "shaping up"!



## ALLISON LEVINE ([HTTPS://MONARCH.WINE/AUTHOR/ALLISONLEVINE/](https://monarch.wine/author/allisonlevine/))



(<https://monarch.wine/author/allisonlevine/>)

Allison Levine is owner of Please The Palate, a boutique agency specializing in marketing and event planning for the wine and spirits industry. With over 15 years of experience in communications, marketing and event planning, Allison is passionate about the world around her and the diverse people in it. Allison holds a Master's Degree in International Communications with a focus on cross-cultural training from the American University School of International Service. She also holds a WSET Level 3 Certificate from the Wine & Spirits Education Trust (WSET), an Italian Wine Specialist Diploma from the North American Sommelier Association, a Certified Meeting Professional Certificate (CMP), and is BarSmarts Wired certified.

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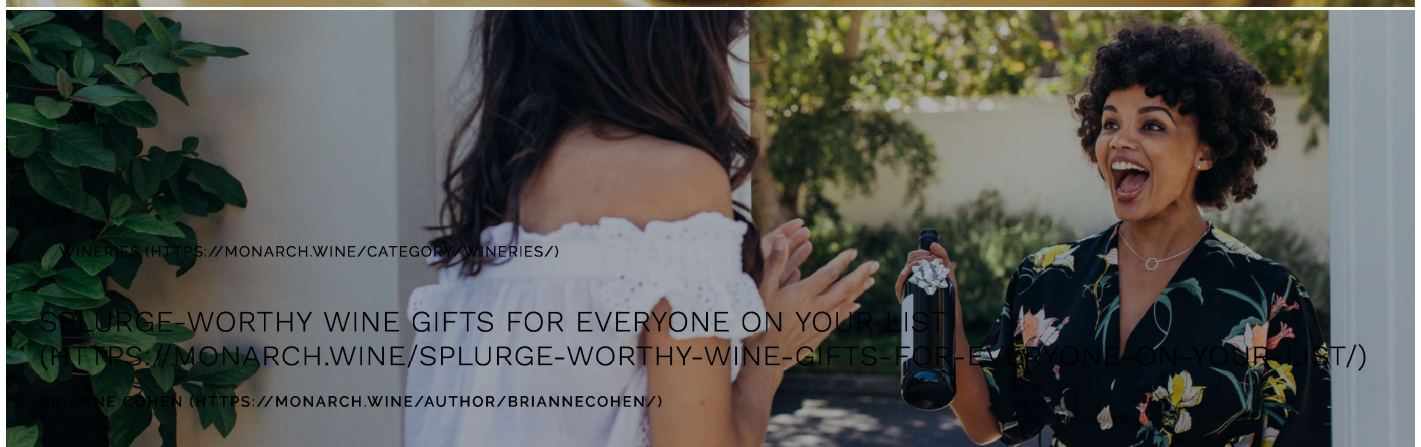
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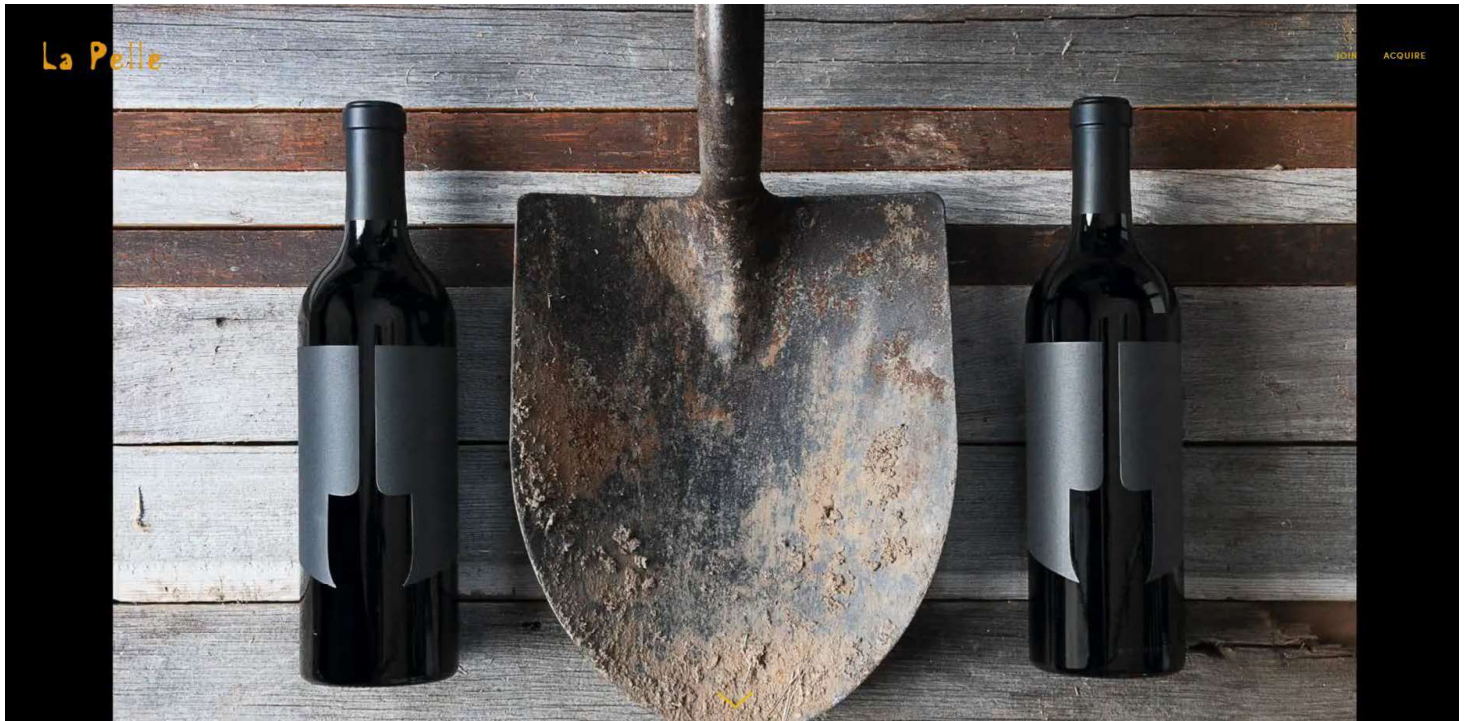
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## **Exhibit 4**









# Exhibit 5





# LAW OFFICE OF ERIK BOARDMAN, PLC

La Pelle Wines  
C/O Reidy Law Group  
1230 Spring Street  
St. Helena, Ca 94574

Sent Electronically and Via US Mail

May 18, 2021

Re: Unauthorized Use of Trademark Reg. No. 3730949

Ms. Bonachea,

The Law Office of Erik Boardman, LLP represents The Tenbrink Winery, LLC ('Tenbrink'). We write to you today as we are aware that La Pelle Wines has, and continues to use the federally licensed trademark of Tenbrink without authorization. Further, Tenbrink has placed La Pelle on notice of the infringing marks via phone/text conversation with the principal Miguel Luna, dated April 5, 2021 and has received the Reidy Law Group written response dated April 12, 2021. We are not persuaded with the response and are prepared to pursue legal action.

As you are aware, Tenbrink Winery, LLC has been actively and continuously using the cited mark from at least 02/20/2008. Since that date, our client has established a specific and valuable reputation with its customers and clients for high quality wine and other agricultural products. Beginning with the first formal trademark registered on 12/29/2009, the Tenbrink family has been a pioneer in the wine and viticulture industry in the Suisun Valley and will not let their reputation be tarnished by the product of another.

It is important to make clear that Tenbrink Winery, LLC exercises its right to protect the trademark. The client's mark serves as an important and distinctive representation of the origin and source of the Tenbrink brand as well as the integrity of the family business. Your client's logo infringes, dilutes, and tarnishes The Tenbrink mark by bringing harm to its reputation for world class products, attention to detail, love, and dedication to the winemaking craft. The inclusion of the use of the registered mark of a shovel as a logo for an upstart brand is an insult to the hard work and reputation that the Tenbrink family has established over decades and multiple generations of dedication to the craft.

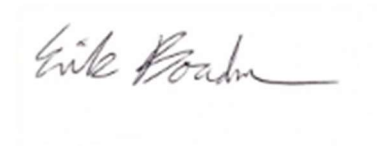
By using the shovel trademark on your wine, you are knowingly infringing the client's trademark in bad faith. Not only is the Tenbrink "Shovel of Gold" mark clearly distinctive, it has become incontestable due to the length of time of its registration and indisputable secondary meaning to people throughout the United States.



Our client demands your company and its principals promptly cease and desist use of the use of the shovel logo in any on-line, print, or other public activity including social media. In addition, our client requires that you avoid the future trade use of any other marks not specifically identified in this letter that infringe upon the rights of our client, Tenbrink Farms, LLC. Finally, your affirmative response indicating your intention to comply with our demand is expected no later than July 1, 2021. With your response, please include the following: 1) the period of time your company has used your mark, 2) the number of customers who have used your site since its inception, 3) the gross annual revenue received from investors, customers or vendors, and 4) the names and contact information of your principal officers and any shareholders. If there is a failure to reply in a timely manner, your company may be at risk of future litigation.

Attached please see the Tenbrink Winery LLC Trademark Reg. No. 3730949 and evidence of the infringing mark.

Sincerely,

A handwritten signature in dark ink, reading "Erik Boardman", is written over a light blue rectangular background.

Erik Boardman, Esq.

The Law Office of Erik Boardman, LLP